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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/657,412	09/08/2003	Christopher L. Darling	MS1-1518US	9946	
22801 LEE & HAYES	7590 09/20/200 S PLLC	7	EXAMINER		
421 W RIVERSIDE AVENUE SUITE 500			HSU, ALPUS		
SPOKANE, W	A 99201		ART UNIT	PAPER NUMBER	
			2616		
			MAIL DATE	DELIVERY MODE	
			09/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	- 1			
· · ·	10/657,412	DARLING ET AL.				
Office Action Summary	Examiner	Art Unit				
	Alpus H. Hsu	2616				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet	with the correspondence addres	S			
• •	-DI V 10 OFT TO EVDIDE 4	MONTHON OR THIRTY (00) D	41/0			
A SHORTENED STATUTORY PERIOD FOR REWHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory properties to reply within the set or extended period for reply will, by some any reply received by the Office later than three months after the rearned patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THIS COMMUN R 1.136(a). In no event, however, may n. eriod will apply and will expire SIX (6) Mu tatute, cause the application to become	NICATION. a reply be timely filed ONTHS from the mailing date of this communication ABANDONED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 1	10 August 2007.	•				
3) Since this application is in condition for all	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice und	ler <i>Ex par</i> te Quayle, 1935 C	.D. 11, 453 O.G. 213.				
Disposition of Claims		•				
4)⊠ Claim(s) <u>1-20</u> is/are pending in the applica	ition.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-20</u> is/are rejected.	∑ Claim(s) <u>1-20</u> is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction a	nd/or election requirement.		•			
Application Papers						
9) The specification is objected to by the Exar	miner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to	the drawing(s) be held in abey	ance. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the co						
11)☐ The oath or declaration is objected to by th	e Examiner. Note the attach	ed Office Action or form PTO-1	52.			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of:	eign priority under 35 U.S.C	§ 119(a)-(d) or (f).	,			
 Certified copies of the priority docun 	1. Certified copies of the priority documents have been received.					
·	2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the	•	en received in this National Stag	je			
application from the International Bu		, -tiv-d				
* See the attached detailed Office action for a list of the certified copies not received.						
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Attachment(s)	·	0 (DTO 412)				
1) Motice of References Cited (PTO-892) 4) Interview Summary (PTO-413) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date.						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 9/8/03,7/12/04,10/7/04,6/27/06,77/	5) Notice o	f Informal Patent Application				
1 apei 110(3)/iviali Date 3/0/03, //12/04, 10///04, 8/ 4/06 / //		•				

Art Unit: 2616

- 1. Applicant's election without traverse of Group I, claims 1-20 in the reply filed on August 10, 2007 is acknowledged.
- 2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by SO et al. in U.S. Patent No. 7,012,919 B1, hereinafter referred to as SO.

Referring to claims 1-8, SO discloses a system comprising: a forwarding component (401) that forwards packets; a classifying component (530) that classifies packets and is capable of classifying packets for the forwarding component; a session tracking component (520, 540) that tracks sessions for at least one of the forwarding component and the classifying component; a health and load handling component (550) that is capable of providing health and load information to the classifying component; and a high availability mechanism (405) that provides detection of, handling of, and recovery from a failure of one or more of the forwarding component, the classifying component, the session tracking component, and the health and load handling component; a request routing component (401) that is capable of routing logical requests; wherein the high availability mechanism provides detection of, handling of, and recovery from a failure of the request routing component (see col. 9, line 64 to col. 10, line 59, col. 12, line 19 to col. 13, line 6, col. 14, line 41 to col. 15, line 6, col. 15, line 28 to col. 16, line 2).

Art Unit: 2616

Referring to claims 9-16, SO discloses an arrangement for highly available network load balancing infrastructure, the arrangement comprising: a plurality of different means (401, 520, 530, 540, 550) for load balancing network traffic; detection means (405) for detecting a failure of one or more of the plurality of different means for load balancing; handling means (405) for handling the failure; and recovery means (405) for recovering from the failure; wherein the plurality of different means for load balancing includes at least one forwarder means (401) for forwarding packets; at least one classifier means (530) that classifies packets and is capable of classifying packets for the forwarding component; at least one request router means (401) that is capable of routing logical requests on request level; at least one session tracker means (520 & 540) that tracks sessions for at least one of the forwarding component and the classifying component; at least one health and load handler means (550) that is capable of handling health and load information (see col. 9, line 64 to col. 10, line 59, col. 12, line 19 to col. 13, line 6, col. 14, line 41 to col. 15, line 6, col. 15, line 28 to col. 16, line 2).

Referring to claims 17-20, SO discloses a network load balancing system comprising: a first device (401) that includes forwarding functionality; and a second device (410) that includes classifying functionality, the classifying functionality performing classifying for the forwarding functionality; wherein hardware of the first device differs from hardware of the second device.

4. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by BERG in Pub. No. US 2002/0120761 A1, hereinafter referred to as BERG.

Referring to claims 17-20, BERG discloses a network load balancing system comprising:

Application/Control Number: 10/657,412

Art Unit: 2616

a first device (Forwarding Processor in Fig. 5A) that includes forwarding functionality; and a second device (Classification Engine in Fig. 5A) that includes classifying functionality, the classifying functionality performing classifying for the forwarding functionality; wherein hardware of the first device differs from hardware of the second device.

5. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by LU et al. in Pub. No. US 2002/0194345 A1, hereinafter referred to as LU.

Referring to claims 17-20, LU discloses a network load balancing system comprising: a first device (160 & 180) that includes forwarding functionality; and a second device (140) that includes classifying functionality, the classifying functionality performing classifying for the forwarding functionality; wherein hardware of the first device differs from hardware of the second device.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ganmukhi et al., Hendel et al., Luke et al., Grosner et al., and Considine et al. are all cited to show the common feature of switching system utilizing data classification device and data forwarding device for data routing similar to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/657,412

Art Unit: 2616

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH

Alpus H. Hsu Primary Examiner Art Unit 2616

Mpm N. von